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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,574	09/16/2003	Gabriel G. Marcu	2095.000900/P3112	5291
23720	7590	06/08/2006	EXAMINER	
WILLIAMS, MORGAN & AMERSON 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			RATCLIFFE, LUKE D	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,574	Applicant(s) MARCUS, GABRIEL G.	
	Examiner Luke D. Ratcliffe	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-13, 18-23, 26-30 and 35-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13, 18-23, 26-30 and 35-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The finality of the office action dated 1/30/06 has been withdrawn and the time period has been reset. This office action will examine the claims that were submitted with the after final amendment dated 4/3/06.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "screen" in claims 11 and 12 is used by the claim to mean "a photoelectric converter", while the accepted meaning is "a surface on which an image is displayed." The term is indefinite because the specification does not clearly redefine the term.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-5, 8, 26, and 27** are rejected under 35 U.S.C. 102(b) as being anticipated by Bachmann (4764010).

Referring to claims **1, 8, 26, and 27**, Bachmann shows an apparatus and a method of sending an optical signal from a first apparatus to a second apparatus based upon an incident angle (figure 3 and columns 1 and 2 and column 5 lines 5-20), a means for receiving a reflection of the optical signal from the second apparatus on a screen (column 4 line 30-50), and a means for adjusting a position of on apparatus relative to the other apparatus by adjusting the incident angle based upon the reflection (figure 3 and columns 1-3).

Referring to **claim 2**, Bachmann shows an optical source on the first apparatus (figure 3).

Referring to **claim 3**, Bachmann shows a method of directing the light a predetermined incident angle (column 5 line 5-20).

Referring to **claim 4**, Bachmann shows a second apparatus with a reflective material affixed upon it (figure 3).

Referring to **claim 5**, Bachmann shows a method for adjusting said incident angle (column 5 lines 5-20).

Referring to **claim 35**, Bachmann shows a first device that is a testing device (column 1 line 5-10).

Claims 10-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann (4764010) in view of Holzl (5026998).

Referring to claim 10, Bachmann shows an apparatus and a method of sending an optical signal from a first apparatus to a second apparatus based upon an incident angle (figure 3 and columns 1 and 2 and column 5 lines 5-20), a means for receiving a reflection of the optical signal from the second apparatus on a screen (column 4 line 30-50), and a means for adjusting a position of on apparatus relative to the other apparatus by adjusting the incident angle based upon the reflection (figure 3 and columns 1-3). However Bachmann shows a screen that does not have a circuit to detect a position of the reflected light.

Holzl shows a screen that does have a circuit to detect a position of the reflected light (figure 1 Ref 7). It would have been obvious to modify Bachmann to include the circuit in Holzl because this allows the alignment process to be more automated with the use of electronics.

Referring to **claim 11**, Bachman shows a light receiving unit that comprises a screen (figure 3).

Referring to **claim 12**, Holzl shows a screen with a plurality of markings to provide a location on said screen upon which the reflective light is received (figures 1 and 2).

Referring to **claim 13**, Holzl shows a means for providing a signal that is indicative of said location on said screen upon which the reflected light is received (figure 1 Ref 7).

Referring to **claims 18**, Bachman shows a first apparatus that is a testing device (column 1 line 5-10).

Referring to **claims 22 and 23**, Bachmann shows a mirror affixed upon a second apparatus for providing the reflective light (figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann (4764010) in view of Holzl (5026998) as applied to claim 18 above, and further in view of Stabile (5872623).

Stabile shows a photometer and a radiometer (figure 1B Ref 205). It would have been obvious to further modify Walker to include the photometer and radiometer because radiant energy in the form of light needs to be measured to determine if the correct correlation between the first and second apparatuses is achieved.

Claims 20, 21, 38-41, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann (4764010) in view of Holzl (5026998) and Dänkliker (4225241).

Referring to **claims 20, 21, 38, 39, and 44**, Dänkliker shows a second apparatus as a LCD screen that is well known that can be a computer screen (column 1 lines 34-44). It would have been obvious to modify Bachmann to use a computer screen that is an LCD screen for the second apparatus because this device will measure the visual effects of changing the angle of incidence.

Referring to **claim 40**, Bachmann shows an apparatus and a method of sending an optical signal from a first apparatus to a second apparatus based upon an incident angle (figure 3 and columns 1 and 2 and column 5 lines 5-20), a means for receiving a reflection of the optical signal from the second apparatus on a screen (column 4 line 30-50), and a means for adjusting a position of on apparatus relative to the other apparatus by adjusting the incident angle based upon the reflection (figure 3 and columns 1-3).

Dänkliker shows a second apparatus as a LCD screen that is well known that can be a computer screen (column 1 lines 34-44). It would have been obvious to modify Bachmann to use a computer screen that is an LCD screen for the second apparatus because this device will measure the visual effects of changing the angle of incidence.

Referring to **claim 41**, Bachman shows a screen to receive the reflective light (figure 3).

Referring to **claim 45**, Bachmann shows a reflective material affixed upon the second apparatus which if modified by Dankliker would be a computer display.

Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann (4764010) in view of Snyder (4480912).

Referring to **claim 28**, Bachmann shows an apparatus and a method of sending an optical signal from a first apparatus to a second apparatus based upon an incident angle (figure 3 and columns 1 and 2 and column 5 lines 5-20), a means for receiving a reflection of the optical signal from the second apparatus on a screen (column 4 line 30-50), and a means for adjusting a position of on apparatus relative to the other apparatus by adjusting the incident angle based upon the reflection (figure 3 and columns 1-3). However Bachmann does not show a plurality of marks on the screen.

Snyder shows a screen with a plurality of marks on the screen. It would be obvious that on the screen there would be a plurality of markings where the light is received to help with the alignment of the two objects.

Referring to **claim 29**, Bachmann shows a means for providing a light signal that is indicative of the location of the screen upon which the reflective light is received.

Referring to **claim 30**, Bachmann shows a reflective material affixed upon said second device (figure 3).

Claim 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann (6154522) in view of Stabile (5872623).

Referring to **claim 36**, Stabile shows a photometer and a radiometer (figure 1B Ref 205). It would have been obvious to further modify Bachmann to include the photometer and radiometer because radiant energy in the form of light needs to be measured to determine if the correct correlation between the first and second apparatuses is achieved.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann (4764010) in view of Holzl (5026998) and Dänkliker (4225241) and Snyder (4480912).

Bachmann shows an apparatus and a method of sending an optical signal from a first apparatus to a second apparatus based upon an incident angle (figure 3 and columns 1 and 2 and column 5 lines 5-20), a means for receiving a reflection of the optical signal from the second apparatus on a screen (column 4 line 30-50), and a means for adjusting a position of on apparatus relative to the other apparatus by adjusting the incident angle based upon the reflection (figure 3 and columns 1-3). However Bachmann does not show a plurality of marks on the screen.

Snyder shows a screen with a plurality of marks on the screen. It would be obvious that on the screen there would be a plurality of markings where the light is received to help with the alignment of the two objects.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann (4764010) in view of Holzl (5026998) and Dänkliker (4225241) and Stabile (5872623).

Stabile shows a photometer and a radiometer (figure 1B Ref 205). It would have been obvious to further modify Walker to include the photometer and radiometer because radiant energy in the form of light needs to be measured to determine if the correct correlation between the first and second apparatuses is achieved.

Response to Arguments

The arguments of the applicant filed on 4/3/06 have been found to be persuasive, the examiner made an erroneous final rejection and is now sending a new non-final rejection and resetting the date for the applicants response to three months. This rejection is the same as the previous final rejection.

Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke D. Ratcliffe whose telephone number is 571-272-3110. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LDR

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